

Meeting of 2000-2-1 Special Meeting

MINUTES  
LAWTON CITY COUNCIL SPECIAL MEETING  
FEBRUARY 1, 2000 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:  
Presiding Bill Baker, City Manager  
John Vincent, City Attorney  
Brenda Smith, City Clerk

The meeting was called to order at 7:25 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One  
Glenn Devine, Ward Three  
John Purcell, Ward Four  
Robert Shanklin, Ward Five  
Charles Beller, Ward Six  
Stanley Haywood, Ward Seven  
Randy Warren, Ward Eight

ABSENT: Richard Williams, Ward Two

BUSINESS ITEM:

1. Consider authorizing a Grant Writing Fee to Enercon Services, Inc. for an EPA Brownfields Assessment Demonstration Pilot Grant. Exhibits: Letter from Enercon Services, Inc.; Brownfields Survey.

Mayor Powell said he attended a ceremony for the Comanche Nation when they received certain funds and was seated next to a man from Dallas. He said he asked if anyone could apply for a grant having to do with cleaning up damaged properties and soil, and got the man's card so he could ask the City Manager to pursue whatever grants might be available. He said the City Manager wrote a letter and received a response, and this action resulted in the possibility of the City receiving some grant funding.

Gary Jackson, Assistant City Manager, passed out a map of potential brownfield sites that were identified by the Housing and Community Development Department. He said the EPA has a grant program and this year's deadline is February 16, so if there is interest in applying for a grant this year, it must be soon and that was the reason for requesting the meeting. Jackson said a firm in Oklahoma City is experienced in writing these grants, and Kirk Kolar is present tonight. Staff recommendation is to hire Mr. Kolar's firm at a fixed fee of \$2,000 to submit on Lawton's behalf the possibility of getting a \$200,000, or if green space is included a \$250,000 grant for potentially abandoned, idle or underused industrial/commercial facilities which EPA has defined as being brownfields. Jackson said four sites are identified and there are probably many more; Block 120, Lawton View, is a 2-1/2 acre site which had fuel contamination, the City owns the property, and it has some possible developable conditions if we are able to move forward with it. Jackson said the grant will not actually clean up these sites; it will be the investigation and collaboration with lenders and possibly putting the sites back into effective use. One potential site is the old sewer plant that was abandoned in the mid 1970's and still contains facilities.

Haywood spoke in favor of applying for this grant and any others. He said the sites could be added to the National Priority List and funding would be provided immediately to take care of the problems. Beller asked who would provide the money. Haywood said the EPA, through the hazardous waste sites of the National Priority List maintained by the EPA, would provide assistance for clean up. Beller asked if it mattered who owned the property. Haywood said it is City property and the EPA will clean it up and make it commercial property; homes cannot be built on it, it must be commercial.

Kirk Kolar, Enercon Services, said the Mayor had visited with Stan Hitt from EPA Region 6 in Dallas. He said Haywood was speaking of the National Priority List and that is for the EPA superfund, and the sites in Lawton are nowhere close to that because the site must have a score of 28.5 or higher to be a superfund site, and you would

probably know if you had a superfund site in your city and Lawton probably does not. Kolar said brownfields are funded under the superfund, and that is where the connection is coming in.

Haywood asked about the comprehensive environmental response compensation and liability act of 1980. Kolar said that started the program and then the superfund amendment reauthorization act kept it going; Lawton has no sites bad enough for the superfund and the EPA found that calling a site a superfund site made it difficult to find a responsible party or they were going into bankruptcy or leaving and it was making a bad problem worse. Kolar said they then found that there were many sites that did not score 28.5 but still needed help in being redeveloped, reused and turned back into the economy, and that was the purpose of brownfields, which is a friendly approach with the EPA and it is working well.

Kolar said in Oklahoma City, with a \$200,000 grant, he leveraged \$26 million through the brownfields program. He said he was not saying that could be done in Lawton, but Oklahoma City and Tulsa got grants and Norman is not applying. Lawton is the next largest city to apply and has the best chance, and the Cherokee Nation will be the only other group that will apply to his knowledge.

Smith said grant writing takes a great deal of time and effort and he spoke in favor of this firm preparing the grant application.

Kolar said he met with a Chamber of Commerce representative before the meeting. He said they are not a grant writing company and it will take 60 hours to write the grant. Kolar said they are an environmental company, much like CH2M Hill, but they are writing the grant for Lawton because they think Lawton's chances are best out of this state, and they want to do the assessment work. He said by state statute you must go out for RFP and his firm cannot answer that RFP unless the grant is approved and the grant cannot be approved without an application. Kolar said that was what they were here for.

Beller asked what the downside of this could be. Kolar said you could lose the \$2,000 if you do not get the grant. Beller asked what happens if you get the grant and find a contaminated area. Kolar said the funding would carry you through the assessment stage and composing a work plan for a remediation, if needed. Kolar said ODEQ is involved in this also and he had spoken with them about Lawton's application and they are supportive, but this brings everyone together, along with resources. Kolar said there was a brownfields conference recently and there were developers and investors involved so it brings those people together; this program has become so successful that developers are starting to like these projects and know that with brownfields projects you will have HUD 108 loan and grant combinations, which makes their gap financing complete and the deal affordable because the resource doors have been opened.

Beller asked who pays if contamination is found and remediation is required. Kolar said you do a work plan, which will have a cost for remediation in it if you have to go that far, then you put that property on the market with that cost plan for redevelopment and remediation, and that is what you advertise and market. Kolar said part of the brownfields program provides a certain allotment of money to market those properties, but it is working. Beller asked if that is for properties owned by the City. Beller said he did not think all of the parcels were owned by the City and asked what happens to privately owned properties and if it is an economic development package. Kolar said it is an economic redevelopment type grant.

Jackson said staff recommendation is for approval of the \$2,000 to proceed with the grant.

MOVED by Devine, SECOND by Haywood, to approve the \$2,000 to proceed with the grant.

Purcell asked whose budget the \$2,000 would come out of. Baker said they were requesting that Council Contingency funding be transferred to the Mayor or City Manager's budget to pay the expense. Purcell recommended giving the Mayor or City Manager's budget an IOU for \$2,000.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

#### COMMENTS/REPORTS.

Purcell said he and the City Attorney were in Oklahoma City testifying before a committee on collective bargaining and how you could fire someone if they needed to be fired as opposed to an arbitrator always giving them their job back, and it has nothing to do with the current issue here. He said there was support from other cities and OML and another committee hearing will be held. Purcell said they did not receive a warm response from the committee on industry, commerce and labor and it is an uphill battle, but Kirby introduced a bill that may provide some help to the cities.

There being no further business to consider, the meeting adjourned at 7:42 p.m. upon motion, second and roll call vote.

